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<p style="text-align: center;">TRANSMITTAL FORM</p> <p><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	10/667,191
		Filing Date	September 15, 2003
		First Named Inventor	John J. Quinn
		Art Unit	1637
		Examiner Name	Heather Calamita
Mail Stop	Amendment	Attorney Docket Number	71300-007

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> No fee due <input type="checkbox"/> Fee(s) due: \$ _____ <input type="checkbox"/> Check enclosed <input type="checkbox"/> Charge Deposit Account No. 18-0580 <input type="checkbox"/> 37 CFR § 1.16 <input type="checkbox"/> 37 CFR § 1.17 <input checked="" type="checkbox"/> The Commission is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) - _____ Affidavits/declaration(s) <input type="checkbox"/> _____ -Month Extension of Time	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Information Disclosure Statement & PTO-1449 Form(s) <input type="checkbox"/> Cited reference copy(ies) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Declaration(s) by Inventor(s) <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Updated Application Data Sheet <input type="checkbox"/> Drawing(s) - _____ Sheets <input type="checkbox"/> Compact Disk(s) - _____ CD(s) <input type="checkbox"/> Petition <input type="checkbox"/> Power of Attorney & Address Indication Form	<input type="checkbox"/> Revocation of & New Power of Attorney, Address Indication Form <input type="checkbox"/> Request for Refund <input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Other Enclosure(s) (see remarks):		
Claim Count				
Total Claims	39	- 39 =	0	0
Independent Claims	3	- 3 =	0	0

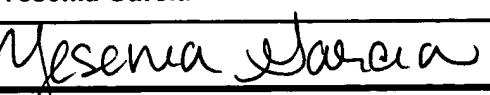
REMARKS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name (print/type)	Karen Canaan, Reg. No. 42,382 MINTZ LEVIN	Telephone	(650) 251-7700
Signature		Date	May 16, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (print/type)	Yesenia Garcia		
Signature		Date	May 16, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Response to Application of:
John J. Quinn et al.

Confirmation No.: 9085

Serial No.: 10/667,191

Group Art Unit: 1637

Filing Date: September 15, 2003

Examiner: Heather Calamita

Title: DUAL-PURPOSE PRIMERS AND PROBES FOR PROVIDING ENHANCED HYBRIDIZATION ASSAYS BY DISRUPTION OF SECONDARY STRUCTURE FORMATION

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Restriction Requirement mailed from the United States Patent and Trademark Office on May 2, 2006, the Examiner is requesting restriction of the claims of the instant application to the following two groups:

Group I: claims 1-18, 25-34, drawn to a primer; and

Group II: claims 19-24, 35-39, drawn to a method for amplifying a target nucleic acid.

In response, applicants elect the claims of Group I, i.e., claims 1-18 and 25-34 with traverse. In the Restriction Requirement, the Examiner asserts that the claims of Group I are distinct from the claims of Group II because the primer could be used in a method to probe target nucleic acids instead of the claimed amplification method. Applicants respectfully disagree. It is well-established in the art that a primer is always used for extension assays; thus, even where a primer may be used to screen a target nucleic acid sequence, by its very nature, the primer will do so by amplifying the target nucleic acid sequence.

Because the claims of Group II, i.e., claims 19-24 and 35-39, share the same claim limitations as the claims of Group I, applicants submit that the claims of Group II are not patentably distinct from the claims of Group I and that the Examiner would not be burdened by examining all of the claims of the instant application together. In light of the foregoing, applicants respectfully request that the Examiner withdraw the restriction requirement and examine all of the claims of this application together, i.e., claims 1-39.

Application No. 10/667,191
Response to RR dated May 16, 2006

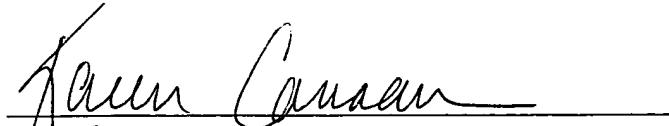
Atty Dkt No. 71300-007
Client No. MST-2353

With the instant election, applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter, i.e., the subject matter of claims 19-24 and 35-39 during the pendency of this application.

If the Examiner has any questions concerning this communication, she is welcome to contact the undersigned attorney by telephone at 650.251.7713 or by e-mail at kcanaan@mintz.com.

Respectfully submitted,

By:


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